IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 18932 OF 2005

Date: 29.08.2005

BETWEEN:

Murapala Satyam

…. PETITIONER

Vs.

1. Mandal Revenue Officer, Bheemunipatnam Mandal,

Visakhapatnam District. And others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18932 OF 2005

ORDER:

The petitioner is a resident of Kummaripalem, Bheemunipatnam Mandal, Visakhapatnam District. He allegedly owns certain lands in S.No.10/3 covered by Patta No.27. He alleges that respondents 3 and 4 and others have encroached upon the road in between his land and the existing road in S.Nos.10/4, 10/5, 10/6 and 10/7. Therefore, he seeks a direction to the respondents 1 and 2 to initiate action against the encroachers to make the road free from encroachments.

The petitioner earlier filed similar writ petition being W.P.No.26751 of 2001. This Court by order dated 8.4.2002 disposed of the same directing the respondents therein to consider the representation of the petitioner and pass appropriate orders. Thereafter, the petitioner made a representation. Considering the same, the Mandal Revenue Officer issued proceedings dated 22.7.2003 holding that the petitioner's request cannot be accepted, as the house site pattas were provided in S.Nos.10/4, 10/5 and 10/7 and that

though the said land is classified as road poramboke, in revenue records there is no road on ground as they situated beyond the existing B.T. Road.

A reading of the proceedings of the Mandal Revenue Officer dated 22.7.2003, which was passed after a detailed examination of the grievance of the petitioner, would show that the Mandal Revenue Officer has considered different aspects of the matter and while recording that the petitioner himself occupied the Government land admeasuring Acs.0.02 in S.No.10/7P, rejected the representation of the petitioner after due consideration in obedience to the orders of this Court in W.P.No.26751 of 2001. Curiously, the petitioner again approached this Court.

As rightly pointed out by the learned Assistant Government pleader for Revenue, the petitioner himself has occupied the Government land and therefore, the writ petition is not bona fide. If the petitioner is denied any access on the existing B.T. road, in S.No.9, it shall be open to the petitioner to approach the Revenue Officials or concerned Department.

The Writ Petition, with the above observations, is dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

29th August, 2005

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